

1 Nicholas Tortorella (CONS/PE)
2 Dominic Tortorella (CONS/PE)
Atty Kruthers, Heather (for Fresno County Public Guardian)

Case No. 0250236
Case No. 0250287

Status Re: Termination of Conservatorship Distribution of Assets of Estate
(Prob. C. 1860 & 2620)

Nicholas DOD: 11-10-10	<p>On 1-10-13, the CALIFORNIA DEPT. OF DEVELOPMENTAL SERVICES was removed and the FRESNO COUNTY PUBLIC GUARDIAN was appointed to terminate the above- referenced conservatorships.</p> <p>Status reports filed 3-5-13 in each case by PUBLIC GUARDIAN states the Public Guardian and County Counsel only learned of the appointment on 2-26-13.</p> <p>The FRESNO COUNTY PUBLIC ADMINISTRATOR was planning on investigating the matter and noticed that PUBLIC GUARDIAN had been appointed.</p> <p>County Counsel has conferred with the PUBLIC ADMINISTRATOR, and it is his intent to file for appointment of the deceased conservatees' estates. He has already secured the real property to the best of his ability. It appears some damage was already done to the property prior to the Public Administrator's knowledge of his appointment.</p> <p>County Counsel asserts that there is no need for the appointment of PUBLIC GUARDIAN since the Conservatee is deceased, and the property will be managed as part of the administration of the deceased conservatee's estate. He does not know the status of the former conservator's account, and so does not know what the Court expects with regard to the conservatorship matter.</p>	NEEDS/PROBLEMS/COMMENTS:
Dominic DOD: 11-6-09		
Aff.Sub.Wit.		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Reviewed by: skc		
Reviewed on: 3-6-13		
Updates:		
Recommendation:		
File 1A - Tortorella		

1-2

(1) Fourteenth and Final Account and Report of Conservator; (2) Petition for Fees, for Termination of Conservatorship Distribution of Assets of Estate and (3) Discharge of Conservator (Prob. C. 1860 & 2620)

DOD: 11-10-10		CALIFORNIA DEPT. OF DEVELOPMENTAL SERVICES , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 111711, 020212, 040512, 051712, 062812, 080212, 100412, 110112, 112912, 011013		Account period: 3-1-09 through 11-10-10 Accounting: \$34,377.72 Beginning POH: \$14,465.02 Ending POH: \$16,100.50	Minute Order 1-10-13: No appearances. The Court notes for the minute order that there have been numerous continuances and it believes proper notice has given to Bruce Beland. The Court removes the California Department of Developmental Services as the Petitioner and appoints the Public Guardian. Continued to 3/7/13
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✓	Order		
	Aff. Posting		
	Status Rpt	X	
	UCCJEA		
	Citation		
	FTB Notice		
		Account period: 11-11-10 through 6-30-11 Accounting: \$18,405.01 Beginning POH: \$16,100.50 Ending POH: \$12,537.04	Minute Order 1-10-13 (OSC): No appearances. The Court notes for the minute order that there have been numerous continuances and it believes proper notice has been given to Bruce Beland. As to Bruce Beland, the Court imposes sanctions in the amount of \$400.00 for failure to appear. Sanctions to be paid forthwith. The Court directs that the State Bar be notified.
		(POH consists of cash in the amount of \$554.93 plus an undivided 1/3 interest of a 3/4 interest in real property, a stove, and an air conditioner)	Order After Noticed Hearing Re Sanctions Pursuant to CCP 177.5 was filed 1-25-13; Clerk's Certificate of mailing reflects mailing to Attorney Bruce Beland.
		Conservator: \$125.00 Attorney: \$40.00	As of 3-1-13, the following issues remain: See Page 2
		Petitioner states there is a Medi-Cal claim in the amount of \$108,627.87 and requests that the court authorize payment of the remaining balance of the conservatorship estate on this claim.	
		Petitioner prays for an Order:	
		1. Approving, allowing and settling the final account; 2. Terminating the proceedings herein; 3. Authorizing payment of the conservator's and attorney's fees; 4. Authorizing payment of the remaining balance to the Dept. of Health Services as payment in full on the Medi-Cal claim; 5. Authorizing transfer of the house, stove and air conditioner to the Conservatee's sister; and 6. Discharge of Conservator.	Reviewed by: skc Reviewed on: 3-1-13 Updates: Recommendation: File 1A - Tortorella

NEEDS/PROBLEMS/COMMENTS:

The following issues were noted regarding this petition:

1. Probate Code §§ 2631 and 13100 allow liquidation and distribution of personal property only in the manner requested. Real property, including undivided interests, is subject to Probate Code §13151, which requires the mandatory judicial council Petition to Determine Succession to Real Property Form DE-310, inventory and appraisal as of the date of death, and noticed hearing.
2. Petitioner also requests to distribute this asset when there is a Medi-Cal lien on the estate. Need authority.
3. The proposed order does not correspond to the prayer. Need clarification.
4. The proposed order does not comply with Local Rule 7.6.1.A. Monetary distributions must be stated in dollars. Need clarification as to the amount to be distributed on the Medi-Cal claim. (Examiner calculates \$389.93. Need verification.)
5. Petitioner originally stated that the Conservatorship Estate owned an "UNDIVIDED 1/3RD INTEREST OF 3/4TH INTEREST IN REAL PROPERTY." However, Petitioner now states the interest is a "1/2 (ONE-HALF)" interest.

DOD: 11-10-10		CALIFORNIA DEPT. OF DEVELOPMENTAL SERVICES, Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 1-10-13: No appearances. The Court notes for the minute order that there have been numerous continuances and it believes proper notice has given to Bruce Beland. The Court removes the California Department of Developmental Services as the Petitioner and appoints the Public Guardian. Continued to 3/7/13.</u> <u>The following issues were noted regarding this petition:</u> See page 2.
Cont. from 110112, 112912, 011013			
<input type="checkbox"/>	Aff.Sub.Wit.		
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<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Petitioner states the Conservatee's only known surviving relative is his sister, Cina Rand, who resides in Clovis, CA. The conservatorship estate herein includes a one-half interest in real property in Fresno. The remaining one-half interest in the real property is held by this conservatee's brother, Dominic Tortella, DOD 11-6-09.

Petitioner states that pursuant to Probate Code §§ 2590 and 2591, the Court may authorize a Conservator to sell or dispose of real property with or without confirmation.

Pursuant to Probate Code §2591(c)(1), the Conservator hereby requests authority to transfer the Conservatee's interest in the real property to Ms. Rand, the Conservatee's only known surviving relative.

Petitioner prays that this Court authorize the Director of the Dept. of Developmental Services of the State of California to exercise its authority under Probate Code §2591 to transfer the Conservatee's interest in the real property and to issue such other relief as appropriate.

Memorandum of Points and Authorities cites Probate Code §§ 2590 and 2591. Petitioner states that the Court may authorize the transfer of the real property, as the property is not the Conservatee's (or his brother's) residence, as they are both deceased. Petitioner states Cina Rand is the only known surviving relative of the Conservatee and the Conservator has no lien or other interest in the property. Further administration of the conservatorship estate will only use up conservatorship assets and will not serve any purpose for which the conservatorship was created. It appears to be prudent and in the best interest of all parties that the Court exercise its authority under this section to transfer the real property to Ms. Rand.

The following issues were noted regarding this petition:1. Authority does not appear to be proper.

Probate Code §2591(c)(1) allows a conservator the power "to sell at public or private sale" real property without Court confirmation of sale.

Probate Code §2590(a) states the Court may make an order granting this power if it is to the "advantage, benefit, and best interest of the estate to do so."

Here, Petitioner is requesting to distribute real property from the conservatorship estate after the Conservatee's death without reference to the Medi-Cal lien on the conservatorship estate in the amount of \$108,627.87 that was noted by Petitioner in the 14th Account filed 10-13-11 (Page 1A).

Examiner notes that DHS was served with a copy of this Petition and the P&A by mail on 10-16-12; however, the Court may require clarification as to authority to distribute real property from a conservatorship estate, with reference to the lien, or further time for response or agreement by DHS.

As previously stated, a Petition to Determine Succession is an appropriate method to distribute property. Examiner notes that this is a summary proceeding that requires the heir to petition.

2. The Conservatorship Estate owned an "UNDIVIDED 1/3RD INTEREST OF 3/4TH INTEREST IN REAL PROPERTY" (See Schedule G – POH at end of account period). Petitioner now states the interest is a "1/2 (ONE-HALF)" interest, with the other half held by the brother (Pages 2A and 2B). Need clarification.

DOD: 11-6-09		CALIFORNIA DEPT. OF DEVELOPMENTAL SERVICES, Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 3-1-09 through 11-6-09	<u>As of 3-4-13, the following issues remain:</u>
Cont. from 110112, 112912, 011013		Accounting: \$23,821.68	See Page 2
		Beginning POH: \$14,193.12	
		Ending POH: \$16,068.68	
		Account period: 11-7-09 through 5-31-12	
		Accounting: \$16,170.48	
		Beginning POH: \$16,068.68	
		Ending POH: \$11,235.03	
		(POH consists of cash in the amount of \$235.03 plus an undivided 1/3 interest of a 3/4 interest in real property)	
		Conservator: \$50.00 outstanding, Balance waived	
		Attorney: \$25.00 outstanding, Balance waived	
		Court Investigation Fees (Superior Court): \$50.00, Balance waived.	
		Petitioner states there is a Medi-Cal claim in the amount of \$56,556.10 and requests that the court authorize payment of the remaining balance of the conservatorship estate on this claim.	
		Petitioner prays for an Order:	
		7. Approving, allowing and settling the final account;	
		8. Terminating the proceedings herein;	
		9. Waiving the conservator's and attorney's fees;	
		10. Authorizing payment of \$50.00 to the herein Conservator of the estate for outstanding deferred fees as payment in full and waiving the remaining amount due;	
		11. Authorizing payment of \$25.00 to the State Dept. of Developmental Services' Office of Legal Affairs for outstanding deferred fees as payment in full and waive remaining balance due;	
		12. Authorizing payment of \$50.00 to Fresno Superior Court for outstanding deferred fees previously approved by the Court as payment in full and waive the remaining balance due;	
		13. Authorizing payment of the remaining balance to the Dept. of Health Services as payment in full on the Medi-Cal claim;	
		14. Authorizing transfer of the house to the Conservatee's sister; and	
		15. Discharge of Conservator.	
Aff.Sub.Wit.			
✓	Verified		
	Inventory		
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	Notice of Hrg	X	
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	Video Receipt		
	CI Report		
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	Order	X	
	Aff. Posting		
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	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 3-4-13
			Updates:
			Recommendation:
			File 2A - Tortorella

NEEDS/PROBLEMS/COMMENTS:

As of 3-4-13, the following issues remain:

- 1. As stated previously in the prior Examiner Notes for the related matter, Probate Code §§ 2631 and 13100 allow liquidation and distribution of personal property only in the manner requested. Real property, including undivided interests, is subject to Probate Code §13151, which requires the mandatory judicial council Petition to Determine Succession to Real Property Form DE-310, inventory and appraisal as of the date of death, and noticed hearing.**
- 2. Petitioner also requests to distribute this asset when there is a Medi-Cal lien on the estate. Need authority.**
- 3. Need Notice of Hearing and proof of service at least 15 days prior to the hearing on Cina Rand (sister) and DHS. (*Proof of Service filed 10-17-12 relates to the Petition for Instructions at Page 2B only.*)**
- 4. Order does not match Petition. Petition states ending balance is \$11,235.03, of which \$235.03 is cash. Order states ending balance is \$16,100.50, of which \$443.12 is cash. Need clarification.**
- 5. Order does not comply with Local Rule 7.6.1.A. Monetary distributions must be stated in dollars. Need clarification as to the amount to be distributed on the Medi-Cal claim. Examiner is unable to calculate due to discrepancy noted in #4 above.**

DOD: 11-6-09 Cont. from 110112, 112912, 011013 <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 10%;"></td><td style="width: 80%;">Aff.Sub.Wit.</td><td style="width: 10%;"></td></tr> <tr><td>✓</td><td>Verified</td><td></td></tr> <tr><td></td><td>Inventory</td><td></td></tr> <tr><td></td><td>PTC</td><td></td></tr> <tr><td></td><td>Not.Cred.</td><td></td></tr> <tr><td></td><td>Notice of Hrg</td><td>X</td></tr> <tr><td></td><td>Aff.Mail</td><td>X</td></tr> <tr><td></td><td>Aff.Pub.</td><td></td></tr> <tr><td></td><td>Sp.Ntc.</td><td></td></tr> <tr><td></td><td>Pers.Serv.</td><td></td></tr> <tr><td></td><td>Conf. Screen</td><td></td></tr> <tr><td></td><td>Letters</td><td></td></tr> <tr><td></td><td>Duties/Supp</td><td></td></tr> <tr><td></td><td>Objections</td><td></td></tr> <tr><td></td><td>Video Receipt</td><td></td></tr> <tr><td></td><td>CI Report</td><td></td></tr> <tr><td></td><td>9202</td><td></td></tr> <tr><td></td><td>Order</td><td>X</td></tr> <tr><td></td><td>Aff. Posting</td><td></td></tr> <tr><td></td><td>Status Rpt</td><td></td></tr> <tr><td></td><td>UCCJEA</td><td></td></tr> <tr><td></td><td>Citation</td><td></td></tr> <tr><td></td><td>FTB Notice</td><td></td></tr> </table>		Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.			Notice of Hrg	X		Aff.Mail	X		Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen			Letters			Duties/Supp			Objections			Video Receipt			CI Report			9202			Order	X		Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice		CALIFORNIA DEPT. OF DEVELOPMENTAL SERVICES, Conservator, is Petitioner. Petitioner states the Conservatee's only known surviving relative is his sister, Cina Rand, who resides in Clovis, CA. The conservatorship estate herein includes a one-half interest in real property in Fresno. The remaining one-half interest in the real property is held by this conservatee's brother, Nicholas Tortella, DOD 11-10-10. Petitioner states that pursuant to Probate Code §§ 2590 and 2591, the Court may authorize a Conservator to sell or dispose of real property with or without confirmation. Pursuant to Probate Code §2591(c)(1), the Conservator hereby requests authority to transfer the Conservatee's interest in the real property to Ms. Rand, the Conservatee's only known surviving relative. Petitioner prays that this Court authorize the Director of the Dept. of Developmental Services of the State of California to exercise its authority under Probate Code §2591 to transfer the Conservatee's interest in the real property and to issue such other relief as appropriate. Memorandum of Points and Authorities cites Probate Code §§ 2590 and 2591. Petitioner states that the Court may authorize the transfer of the real property, as the property is not the Conservatee's (or his brother's) residence, as they are both deceased. Petitioner states Cina Rand is the only known surviving relative of the Conservatee and the Conservator has no lien or other interest in the property. Further administration of the conservatorship estate will only use up conservatorship assets and will not serve any purpose for which the conservatorship was created. It appears to be prudent and in the best interest of all parties that the Court exercise its authority under this section to transfer the real property to Ms. Rand.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 1-10-13: No appearances.</u> The Court notes for the minute order that there have been numerous continuances and it believes proper notice has given to Bruce Beland. The Court removes the California Department of Developmental Services as the Petitioner and appoints the Public Guardian. Continued to 3/7/13. <u>The following issues were noted regarding this petition:</u> See page 2. <hr/> Reviewed by: skc <hr/> Reviewed on: 3-4-13 <hr/> Updates: <hr/> Recommendation: File 2B - Tortorella
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2B

Page 2

NEEDS/PROBLEMS/COMMENTS:

The following issues were noted regarding this petition:

3. Authority does not appear to be proper.

Probate Code §2591(c)(1) allows a conservator the power "to sell at public or private sale" real property without Court confirmation of sale.

Probate Code §2590(a) states the Court may make an order granting this power if it is to the "advantage, benefit, and best interest of the estate to do so."

Here, Petitioner is requesting to distribute real property from the conservatorship estate after the Conservatee's death without reference to the Medi-Cal lien on the conservatorship estate in the amount of \$108,627.87 that was noted by Petitioner in the 14th Account filed 10-13-11 (Page 1A).

Examiner notes that DHS was served with a copy of this Petition and the P&A by mail on 10-16-12; however, the Court may require clarification as to authority to distribute real property from a conservatorship estate, with reference to the lien, or further time for response or agreement by DHS.

As previously stated, a Petition to Determine Succession is an appropriate method to distribute property. Examiner notes that this is a summary proceeding that requires the heir to petition.

4. The Conservatorship Estate owned an "UNDIVIDED 1/3RD INTEREST OF 3/4TH INTEREST IN REAL PROPERTY" (See Schedule G – POH at end of account period). Petitioner now states the interest is a "1/2 (ONE-HALF)" interest, with the other half held by the brother (Pages 1A and 1B). Need clarification.

Atty Roberts, Gregory J., of Barrus & Roberts (for Petitioner Margaret A. Ramirez)

**Petition for Probate of Will and for Letters of Administration With Will Annexed;
Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 8/27/1979	MARGARET A. RAMIREZ , (referred to in Will as Margarita Liscano), is Petitioner and requests appointment as Administrator with Will Annexed without bond.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Petitioner states:	
<input type="checkbox"/> Aff.Sub.W	<ul style="list-style-type: none"> On 7/10/2007, PETRA MEDINA, daughter, was appointed Executor of Decedent's estate; Decedent's Will dated 1/20/1972 was admitted to Probate on 7/10/2007; Petra Medina died on 10/13/2009, and the only alternate executors named in Decedent's Will are TRINIDAD RAMIREZ, son, who is deceased (DOD 6/26/2009), and MARIANO RAMIREZ, JR., son, who has declined to act and nominated Petitioner as personal representative of the estate (<i>Declination and Nomination attached</i>); The sole asset of the estate is real property with a date-of-death value that is small enough to now pass pursuant to an <i>Affidavit re Real Property of Small Value</i>; however, five of Decedent's children died after the Decedent so the heirs of each would have to petition to have a Special Administrator appointed for each decedent to sign the Affidavit on behalf of the respective decedent; All of the heirs desire that the property be sold, and the value of the property has increased over the years since Decedent's death; Since the probate administration is still open, it is more expeditious and financially advantageous to sell the property through the probate; the shares of the deceased beneficiaries can then be distributed to the heirs of each pursuant Probate Code § 13000 declarations. 	<ol style="list-style-type: none"> Petitioner states Decedent's Will waives bond, which is true as to the named Executor and alternate named Executor. Petitioner is not named in Decedent's Will, and Petitioner requests Full IAEA authority. <i>Declination to Act as Executor</i> signed by Mariano Ramirez, Jr., does not waive bond, and waivers of bond by estate beneficiaries have not been filed pursuant to Probate Code § 8481(a)(2). Court may require Petitioner to post bond of \$13,000.00 pursuant to Probate Code §§ 8480 and 8482(a)(3). <i>Petition</i> states at Item 3(f)(2)(c) that Petitioner is Decedent's sister, as does the <i>Declination to Act as Executor</i> signed by Mariano Ramirez, Jr. However, Item (8) of the <i>Petition</i>, as well as Decedent's Will, states the Petitioner is Decedent's daughter.
<input checked="" type="checkbox"/> Verified		<p>Note: If petition is granted, Court will set status hearings as follows:</p> <ul style="list-style-type: none"> Friday April 12, 2013 at 9:00 a.m. in Dept. 303 for filing proof of bond, if <u>Court requires bond</u>; and Friday May 9, 2014 at 9:00 a.m. in Dept. 303 for filing of first account and/or petition for final distribution. <p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</p>
<input checked="" type="checkbox"/> Inventory		
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<input checked="" type="checkbox"/> Notice of Hrg		
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<input checked="" type="checkbox"/> Letters		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notic		
<p>Final Inventory and Appraisal filed 8/15/2007 shows the real property of the estate valued at \$13,000.00 as of the 8/27/1979 date of death.</p>		<p>Reviewed by: LEG</p> <p>Reviewed on: 3/4/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 - Ramirez</p>

(1) First and Final Account and Report of Status of Administration of Co-Executors and Petition for Settlement Thereof; (2) for Allowance of Statutory Attorney's Fees; (3) for Extraordinary Attorney's Fees; (4) for Reimbursement of Costs Advanced and (5) for Final Distribution [Prob. C. et seq., 10800, 10810, 10811, 10951, & 11600]

DOD: 7/3/2010		JENNIFER KENNEDY BRYSON and JAMES KENNEDY , Co-Executors, are petitioners.	NEEDS/PROBLEMS/COMMENTS: Continued from 2/14/13. Minute order states Mr. Kennedy objects to the petition. The Court directs Mr. Kennedy to file his objections by 3/7/13 and meet with Mr. Bagdasarian regarding his concerns.
		Account period: 9/28/10 – 9/28/12	
		Accounting - \$154,632.31	
		Beginning POH- \$148,313.19	
		Ending POH - \$ 80,775.46	
Cont. from 012413, 021413		Executors - \$4,781.64 (statutory)	
<input type="checkbox"/>	Aff.Sub.Wit.	Attorney - \$4,781.64 (statutory)	
<input checked="" type="checkbox"/>	Verified	Attorney x/o - \$18,940.00 (\$2,580 for unlawful detainer; \$6,200 for TRO & Prelim Injunction; \$960 for vehicle in possession of another; \$9,200 for sale of real property)	
<input checked="" type="checkbox"/>	Inventory	Attorney Hrdlicka x/o - \$3,100.00 (for unlawful detainer action w/trial)	
<input checked="" type="checkbox"/>	PTC	Attorney costs - \$520.00 (filing fee, probate referee)	
<input checked="" type="checkbox"/>	Not.Cred.	Closing reserve - \$1,007.28	
<input checked="" type="checkbox"/>	Notice of Hrg	Distribution, pursuant to decedent's will, is to:	
<input checked="" type="checkbox"/>	Aff.Mail W/	Jennifer Kennedy Bryson - \$15,700.00	
<input type="checkbox"/>	Aff.Pub.	James Kennedy - \$15,700.00	
<input type="checkbox"/>	Sp.Ntc.	Jennifer Kennedy Bryson & James Kennedy, in Trust, for the benefit of Jon David Kennedy, II- \$10,500.00	
<input type="checkbox"/>	Pers.Serv.		
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<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
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			Reviewed by: KT
			Reviewed on: 3/4/13
			Updates:
			Recommendation:
			File 4 - Kennedy

Objections of Co-Executors filed on 3/5/13. When they hired Mr. Bagdasarian to represent them in their mother's estate he told them that all accounts had to be put into an account with all three of their names; Jennifer Bryson or James Kennedy or Gary Bagdasarian, a signatories. Relying upon his legal advice an account was opened under the Estate of Reba Kennedy. Mr. Bagdasarian retained possession of the checkbook and deposit slips and directed mailing of all statements for same to his office. Mr. Bagdasarian has charged the Estate extraordinary fees for executing payments from said account. Had Objectors known they were to be charged for a check writing service, they would have declined same.

Another issue of concern pertains to Mr. Bagdasarian filing inaccurate information with the IRS; specifically Form 2848 Power of Attorney and Declaration of Representative and Form 56-Notice concerning fiduciary relationship. The Social Security number on both forms was that of Jennifer Bryson. The Objector's knowledge the error has not been corrected. This could cause potential problems with the IRS.

Mr. Bagdasarian's office mailed multiple copies of the same documents to Objectors. This redundancy has led to more time spent, which in turn, leads to additional fees charged.

Objector's also dispute the hourly time Mr. Bagdasarian spent with them and others pertaining to the estate. They state they rarely met with Mr. Bagdasarian in person or spoke to him on the phone. Objectors consider the numerous conversations with others regarding the estate to be superfluous in nature. If they knew they would be charged extraordinary fees for unnecessary services, they would have discontinued Mr. Bagdasarian's services for same.

The TRO, Preliminary Injunction and Personal Property based on the possession of Jon Kennedy, was an action by Mr. Bagdasarian, not necessary or beneficial to the estate. Mr. Bagdasarian was aware of the Unlawful Detainer action to be taken against Jon Kennedy and Any and All Occupants on 9/28/10. In his support for extraordinary fees the TRO action was initiated by Mr. Bagdasarian on 10/19/2010; three weeks after he was aware of the Unlawful Detainer proceedings. The TRO-Preliminary Injunction and Personal Property was not actually heard due to the fact that an Unlawful Detainer action had already been initiated against Jon Kennedy. Mr. Bagdasarian did not appear at this hearing; another attorney attended in his place due to the fact that Mr. Bagdasarian could not attend the same. The Executors did attend the hearing.

Objectors state it is unconscionable that Mr. Bagdasarian is charging the Estate \$6,200 for professional services. Furthermore, it is shockingly unprofessional to undertake such a course of action, with full knowledge that the household furniture, furnishings and personal effects had an appraised value of \$1,000.00. Therefore, Executor's object to any and all professional extraordinary fees regarding Jon Kennedy TRO-Preliminary Injunction and Personal Property (\$6,200.00).

Please see additional page

Objections of Co-Executors filed on 3/5/13 (cont.):

Objector, James Kennedy, states he informed Mr. Bagdasarian that he would contact Mr. Hrdlicka to prepare an Unlawful Detainer action against Jon Kennedy and Any and All Occupants. Mr. Bagdasarian said he knew Mr. Hrdlicka and would give him a call. Objectors state they did not authorize Mr. Bagdasarian to intercede with this issue. The Unlawful Detainer action was between the Executors and Mr. Hrdlicka. Mr. Bagdasarian did not need to, nor was he authorize to oversee the actions of Mr. Hrdlicka; a competent and specialized attorney in Unlawful Detainer Actions. The actions of Mr. Hrdlicka and his qualified staff, alone, caused the eviction of Jon Kennedy and Any and All Occupants. Objectors therefore object to any and all extraordinary fees regarding Jon Kennedy Unlawful Detainer Action in the amount of \$2,580.00; a charge that is approximately 80% of that charged by Mr. Hrdlicka.

Objector's state they were in constant contact with Federal County Employees Credit Union regarding the debt of and location of the 2004 Chevrolet Silverado pickup truck. The services of Mr. Bagdasarian were not required to resolve this issue. The Fresno Police Dept. impounded the truck and the Credit Union was satisfied. Intervention by Mr. Bagdasarian was unnecessary. Objectors therefore object to any and all extraordinary fees regarding Jon Kennedy vehicle in the amount of \$960.00; Mr. Bagdasarian is requesting approximately 40% of the payoff amount of the truck for extraordinary fees.

Objectors state they requested the services of Tom Kellner, Real Estate Broker to list the real property of the estate for sale. Mr. Kellner has been a personal friend of Objector, James Kennedy for almost 30 years. Mr. Kellner performed services above and beyond would be expected of any Real Estate Broker. Mr. Kellner was instrumental in expediting all issues regarding the sale of the real property. Mr. Bagdasarian's services were required only to execute documents for Probate Court all other issues could have been and were taken care of by the Executors of the Estate. The listing broker and the selling broker each received 2.5% of the sales price; \$2,375.00 each for a total commission of \$4,750.00. Mr. Bagdasarian is requesting \$9,200.00 for extraordinary fees for the sale of the real property which is almost double the sum of the total commission paid. Objectors are therefore objection to any and all extraordinary fees regarding the sale of the real property.

In conclusion, Objectors state Mr. Bagdasarian's services were acquired for the sole purpose of Probate only, computed on a fee-basis statutory compensation. There was never a "meeting of the minds" for his involvement regarding extraordinary fees.

Objectors respectfully request that the Court determine the statutory and extraordinary fees that are payable by the estate.

Atty

Rusca, Christopher M. (for Marcos Galvan – Saede’s father)

Atty

Harris, Richard A. (for Kenneth & Youngae Roberts – Temporary Guardians/Petitioners)

Request to Terminate Visitation or to Order Supervised Agency Visits Only

Saede, 6		KENNETH ROBERTS and YOUNGAE ROBERTS, maternal grandparents and temporary guardians, are Petitioners)	NEEDS/PROBLEMS/COMMENTS:
Jaeden, 4			
		Father (Saede): MARCOS GALVAN	
Cont. from		Petitioner filed an Ex Parte Request to Terminate Visitation on 02/21/13. Order dated 02/22/13, set this matter for hearing.	
	Aff.Sub.Wit.		
✓	Verified	Petitioners allege that Saede’s safety and well-being are being immediately threatened by her father Marcos Galvan during her visits with him and request that his visits be terminated, or in the alternative, be conducted at a supervising agency.	
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg	The Current visitation schedule is every weekend from 6:00pm Friday to 9:00 am Sunday morning.	
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	Petitioners state that they have had ongoing serious concerns re the behavior of Mr. Galvan and have previously reported to the court about Mr. Galvan drinking and driving with Saede in the car and driving without a driver’s license. Petitioners also state that they have concerns about Mr. Galvan’s propensity to violence. During hearings, Mr. Galvan has represented to the court and the Petitioners that he had obtained a valid driver’s license and would no longer drink and drive. Mr. Galvan did obtain a restricted driver’s license, but Petitioners believe that it was suspended on 01/15/13 and despite this, Mr. Galvan has continued to tell the court investigator that he has a valid license. Petitioners do not believe that Mr. Galvan should be allowed to drive anywhere with Saede in the car.	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Continued on Page 2	<div>Reviewed by: JF</div> <div>Reviewed on: 03/04/13</div> <div>Updates:</div> <div>Recommendation:</div> <div>File 5 – Galvan & Roberts</div>

On 02/17/13, following her visit with Mr. Galvan, Petitioner Kenneth Roberts asked Saede about her visit. Petitioner states that Saede said that Mr. Galvan told her he would "smack her harder than he had every smacked anyone" if she told Petitioners anything about her visit with him. Petitioner states that Saede was fearful telling Petitioner this information and is very afraid of Mr. Galvan. Saede stated that Mr. Galvan driver her in his car to a store where they sell beer, wine and cigarettes. Petitioners contacted the Fresno County Sheriff's and reported the incident. The report states that the deputy met with Saede and found her well-spoken, articulate and truthful. The report substantiates that Mr. Galvan threatens his daughter with physical violence if she tells anyone what he does, because it gets him in trouble with the judge. Saede doesn't understand how that can be if she is telling the truth. When coupled with Mr. Galvan's past behaviors, these new developments raise serious concerns. He has shown a willingness to threaten physical violence, a willingness to drink and drive with Saede in the car, and a willingness to drive without a valid driver's license. He has also shown a willingness to deceive the court and court investigator. Petitioner's believe that his past behavior coupled with the new threats against Saede make the status quo dangerous for her and request the immediate termination of visits between Marcos Galvan and Saede or in the alternative, that any future visits be supervised by a licensed organization that provides visiting services.

Katie, 4		<p align="center"><u>TEMPORARY EXPIRES 03/07/13</u></p> <p>GEORGE FICKENWORTH, maternal grandfather, is petitioner.</p> <p>Father: MICHAEL JAY MCGILL</p> <p>Mother: MICHELLE DAWN HARRIS</p> <p>Paternal Grandparents: UNKNOWN</p> <p>Maternal Grandmother: KARRI FRANKS</p> <p>Petitioner alleges: Mother has abandoned the children after CPS placed them in petitioner's care. The father is believed to be in jail pending domestic violence charges.</p> <p>Court Investigator Samantha Henson filed a report on 10/31/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 01/03/13</u></p> <p>Minute Order from 01/03/13 states: The Court notes for the minute order that it has received information that attempts have been made to serve Michael McGill. The Court finds that Michael McGill is evading service. The Court authorizes substituted service for the purposes of serving Michael McGill in this guardianship matter. Based on information and records of the court, the Court finds that it would be detrimental to have the children remain with their father Michael McGill or some other person. The Court orders that the children be turned over to George Fickenworth. The Court extends the temporary to 03/07/13. Counsel is directed to prepare the order. Michelle Harris provides contact information.</p> <ol style="list-style-type: none"> 1. Need proof of personal service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person or Consent & Waiver of Notice or Declaration of Due Diligence for: <ul style="list-style-type: none"> - Michael Jay McGill (father)* Note: Substituted service was authorized on 01/03/13 - Michelle Dawn Harris (mother)* It is noted that she was present in court on 01/03/13 2. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person or Consent & Waiver of Notice or Declaration of Due Diligence for: <ul style="list-style-type: none"> - Paternal grandparents (unknown) - Karri Franks (maternal grandmother) 3. Need Order & Letters. 	
Abigail, 8				
Cont. from 110512, 010313				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			x
<input type="checkbox"/>	Aff.Pub.			
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<input checked="" type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters	x		
<input checked="" type="checkbox"/>	Duties/Supp			
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<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order	x		
<input type="checkbox"/>	Aff. Posting			
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<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 03/04/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 - McGill</p>		

DOD: 01/04/08		KIRK HAGOPIAN and GLORIA HAGOPIAN , are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
		Petitioners state:	OFF CALENDAR Petition was granted on 02/20/13
Cont. from 010213, 022013			
<input type="checkbox"/>	Aff.Sub.Wit.	<ol style="list-style-type: none"> The DOLORES MILANO TRUST (the "Trust") was created on 08/15/96. Dolores Milano served as the initial trustee until her death on 01/04/08. Cheryl A. Smart was the only successor trustee named in the Trust. She served as successor trustee until her death on 12/06/11. Ms. Smart did not name a successor trustee. The sole beneficiary of the Trust was Cheryl Smart. Petitioner Kirk Hagopian is the Administrator of the Estate of Cheryl A. Smart, currently being administered in Fresno Superior Court Case 12CEPR00468. Petitioner Gloria Hagopian is Kirk Hagopian's mother and was a first cousin of Cheryl A. Smart. Petitioners believe that Kirk Hagopian has a superior claim to all other persons to be appointed the next successor trustee because Cheryl A. Smart's estate is the successor beneficiary of the Trust. Petitioners have been nominated by two of the beneficiaries of Cheryl A. Smart's estate to serve as successor co-trustees. All assets of the Trust are in Fresno County. 	
<input checked="" type="checkbox"/>	Verified		
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<input type="checkbox"/>	Order	x	
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Petitioners pray for an Order:	
		<ol style="list-style-type: none"> Appointing Kirk Hagopian and Gloria Hagopian as successor co-trustees of the Dolores H. Milano Trust. 	Reviewed by: JF Reviewed on: 03/04/13 Updates: Recommendation: File 7 - Milano

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 11/23/2012		FRANCES LOMBARDO, JOHN BAPTISTA, LEONARD BAPTISTA, and LINDA CISNEROS, are petitioners.	NEEDS/PROBLEMS/COMMENTS:
		40 days since DOD	
Cont. from			
	Aff.Sub.Wit.	No other proceedings	
✓	Verified	I&A - \$65,000.00	
✓	Inventory		
	PTC	Will dated 01/26/1998 devises all property to her children in equal shares.	
	Not.Cred.		
✓	Notice of Hrg	Petitioners request Court determination that decedent's 100% interest in real property located at 3522 E. Simpson, Fresno, Ca. pass to decedent's children ¼ to Frances Lombardo, ¼ to John Baptista, ¼ to Leonard Baptista and ¼ to Linda Cisneros pursuant to decedent's will.	
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Atty Leath, Charles A., sole practitioner (for Petitioner Ken Coon)

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 8/6/1999		KEN COON, son, is Petitioner. 40 days since DOD. No other proceedings. I & A - Need Decedent died intestate.	NEEDS/PROBLEMS/COMMENTS: 1. Pursuant to Probate Code § 13153, need proof of mailed service of <i>Notice of Hearing</i> for all persons required to be served with notice pursuant to Probate Code § 13152(a)(7). (Note: Item 14 of Petition does not list any persons; Petitioner should state if he is the sole person entitled to notice.) 2. Need <i>Final Inventory and Appraisal</i> [DE-160, 161] pursuant to Probate Code § 13152(b). 3. Need Attachment 11 to the <i>Petition</i> containing the legal description of the real property and its Assessor's Parcel Number (APN) pursuant to Probate Code § 13152(a)(3), and specifying the percentage of Decedent's interest in the property. 4. Need proposed <i>Order Determining Succession to Real Property</i> [DE-315] containing the legal description of the real property and specifying the percentage of the Petitioner's property interest.
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
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<input type="checkbox"/> Inventory	X		
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg	X		
<input type="checkbox"/> Aff.Mail	X		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.		Petitioner states he seeks the Court's order determining that the real property passes to him as the surviving heir to Decedent's estate as he has been residing on the property, and he now suffers from a medical condition requiring him to sell the property; escrow has been opened to sell the property for \$44,000.00 (<i>copy of Residential Purchase Agreement attached</i>), in order to use the proceeds to assist in his medical recovery. Petitioner requests Court determination that Decedent's ? % interest in real property located at 2338 E. Brown, Fresno , passes to the Petitioner pursuant to intestate succession.	
<input type="checkbox"/> Pers.Serv.			
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<input type="checkbox"/> Letters			
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<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
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<input type="checkbox"/> Order	X		
<input type="checkbox"/> Aff. Posting		Reviewed by: LEG Reviewed on: 3/4/13 Updates: Recommendation: File 9 - Coon	
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 7/13/10		<p>ROBERT ACUNA, JR. and DESIREE ACUNA, were appointed as Co-Administrators without bond on 02/18/11 and Letters were issued on 05/26/11.</p> <p>Inventory and Appraisal was due on 9/26/11.</p> <p>On 3/22/12 the Court signed an order granting attorney Mara Erlach's Motion to be Relieved as Counsel.</p> <p>At the hearing on 3/22/12 the Court set an Order to Show Cause hearing and Ordered both Robert Acuna, Jr. and Desiree Acuna to be present.</p> <p>Order to Show Cause and Minute Order were mailed to both Robert Acuna, Jr. and Desiree Acuna on 3/23/12.</p> <p>Minute order from 4/26/12 indicates there were no appearances. The court removed Robert Acuna Jr., and Desiree Acuna. The court appointed the Public Administrator as administrator without bond.</p> <p>The Public Administrator's Letters were issued on 6/27/12.</p> <p>Status Report filed on 2/28/13 states based on their investigations, the Public Administrator and his Attorney question whether administration of this estate should continue. According to the original petition for probate, there was 10,000 in personal property and \$100,00 in real property. The only beneficiaries are the former administrators. The only creditors are the State of California Franchise Tax Board (\$2,020.41) and the Fresno County Tax Collector (\$263.99). If the former administrator paid those two creditors, the Public Administrator believes the estate could be closed without approving the acts of the former administrator.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/7/13. Minute Order states Ms. Kruthers requests a 60 day continuance. The Court notes for the minute order that Robert Acuna, Jr. and Desiree Acuna are not present in court. The Court sets and Order to Show Cause on 3/7/13 regarding Robert Acuna, Jr. and Desiree Acuna's failure to appear; failure to provide information, and the imposition of sanctions in the amount of \$500.00. Robert Acuna, Jr. and Desiree Acuna are ordered to be personally present. Please see page 10B for OSC hearing.</p>
Cont. from 082712, 112612, 010713			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
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Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
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Objections			
Video Receipt			
CI Report			
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Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 3/4/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10A - Acuna</p>	

Order to Show Cause Re: Failure to Appear; Failure to Provide Information; Imposition of Sanctions in the Amount of \$500.00

DOD: 7/13/10		<p>ROBERT ACUNA, JR. and DESIREE ACUNA, were appointed as Co-Administrators without bond on 02/18/11 and Letters were issued on 05/26/11.</p> <p>Inventory and Appraisal was due on 9/26/11.</p> <p>On 3/22/12 the Court signed an order granting attorney Mara Erlach's Motion to be Relieved as Counsel.</p> <p>At the hearing on 3/22/12 the Court set an Order to Show Cause hearing and Ordered both Robert Acuna, Jr. and Desiree Acuna to be present.</p> <p>Order to Show Cause and Minute Order were mailed to both Robert Acuna, Jr. and Desiree Acuna on 3/23/12.</p> <p>Minute order from 4/26/12 indicates there were no appearances. The court removed Robert Acuna Jr., and Desiree Acuna. The court appointed the Public Administrator as administrator without bond.</p> <p>The Public Administrator's Letters were issued on 6/27/12.</p> <p>Status Report of the Public Administrator filed on 1/3/13 indicated the Public Administrator reported that former Administrators Robert Acuna, Jr. and Desiree Acuna were not cooperating with the Public Administrator in order for the Public Administrator to prepare the inventory and close the estate.</p> <p>Minute order dated 1/7/13 set this Order to Show Cause on 3/7/13 regarding Robert Acuna, Jr. and Desiree Acuna's failure to appear; failure to provide information, and the imposition of sanctions in the amount of \$500.00. Robert Acuna, Jr. and Desiree Acuna are ordered to be personally present. A copy of the Order to Show Cause was mailed to Robert Acuna, Jr. and Desiree Acuna on 1/8/13.</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
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Reviewed by: KT
Reviewed on: 3/4/13
Updates:
Recommendation:
File 10B - Acuna

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 7/13/10	<p>ROBERT ACUNA, JR. and DESIREE ACUNA, were appointed as Co-Administrators without bond on 02/18/11 and Letters were issued on 05/26/11.</p> <p>Inventory and Appraisal was due on 9/26/11.</p> <p>On 3/22/12 the Court signed an order granting attorney Mara Erlach's Motion to be Relieved as Counsel.</p> <p>At the hearing on 3/22/12 the Court set an Order to Show Cause hearing and Ordered both Robert Acuna, Jr. and Desiree Acuna to be present.</p> <p>Order to Show Cause and Minute Order were mailed to both Robert Acuna, Jr. and Desiree Acuna on 3/23/12.</p> <p>Minute order from 4/26/12 indicates there were no appearances. The court removed Robert Acuna Jr., and Desiree Acuna. The court appointed the Public Administrator as administrator without bond.</p> <p>The Public Administrator's Letters were issued on 6/27/12.</p> <p>Status Report filed on 2/28/13 states based on their investigations, the Public Administrator and his Attorney question whether administration of this estate should continue. According to the original petition for probate, there was 10,000 in personal property and \$100,00 in real property. The only beneficiaries are the former administrators. The only creditors are the State of California Franchise Tax Board (\$2,020.41) and the Fresno County Tax Collector (\$263.99). If the former administrator paid those two creditors, the Public Administrator believes the estate could be closed without approving the acts of the former administrator.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Continued from 1/7/13. Minute Order states Ms. Kruthers requests a 60 day continuance. The Court notes for the minute order that Robert Acuna, Jr. and Desiree Acuna are not present in court. The Court sets and Order to Show Cause on 3/7/13 regarding Robert Acuna, Jr. and Desiree Acuna's failure to appear; failure to provide information, and the imposition of sanctions in the amount of \$500.00. Robert Acuna, Jr. and Desiree Acuna are ordered to be personally present. Please see page 11B for OSC hearing.</p>
Cont. from 082712, 112612, 010713		
Aff.Sub.Wit.		
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Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Reviewed by: KT
Reviewed on: 3/4/13
Updates:
Recommendation:
File 11A - Acuna

Order to Show Cause Re: Failure to Appear; Failure to Provide Information;
Imposition of Sanctions in the Amount of \$500.00

DOD: 7/13/10		<p>ROBERT ACUNA, JR. and DESIREE ACUNA, were appointed as Co-Administrators without bond on 02/18/11 and Letters were issued on 05/26/11.</p> <p>Inventory and Appraisal was due on 9/26/11.</p> <p>On 3/22/12 the Court signed an order granting attorney Mara Erlach's Motion to be Relieved as Counsel.</p> <p>At the hearing on 3/22/12 the Court set an Order to Show Cause hearing and Ordered both Robert Acuna, Jr. and Desiree Acuna to be present.</p> <p>Order to Show Cause and Minute Order were mailed to both Robert Acuna, Jr. and Desiree Acuna on 3/23/12.</p> <p>Minute order from 4/26/12 indicates there were no appearances. The court removed Robert Acuna Jr., and Desiree Acuna. The court appointed the Public Administrator as administrator without bond.</p> <p>The Public Administrator's Letters were issued on 6/27/12.</p> <p>Status Report of the Public Administrator filed on 1/3/13 indicated the Public Administrator reported that former Administrators Robert Acuna, Jr. and Desiree Acuna were not cooperating with the Public Administrator in order for the Public Administrator to prepare the inventory and close the estate.</p> <p>Minute order dated 1/7/13 set this Order to Show Cause on 3/7/13 regarding Robert Acuna, Jr. and Desiree Acuna's failure to appear; failure to provide information, and the imposition of sanctions in the amount of \$500.00. Robert Acuna, Jr. and Desiree Acuna are ordered to be personally present. A copy of the Order to Show Cause was mailed to Robert Acuna, Jr. and Desiree Acuna on 1/8/13.</p>	NEEDS/PROBLEMS/COMMENTS:
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: KT
Reviewed on: 3/4/13
Updates:
Recommendation:
File 11B - Acuna

Review Hearing Re: Establishing Guardianship in Missouri

Colin (age 2 yrs)		Dr. Lawrence W. Schlak , Maternal Grandfather, was appointed Guardian on 1-3-13.	NEEDS/PROBLEMS/COMMENTS:
Kali (6 months)			
		At hearing on 1-3-13, the Court set this status hearing for Dr. Schlak to establish guardianship in Missouri.	1. Need proof of establishing guardianship in Missouri pursuant to Minute Order 1-3-13 and Probate Code §2352(d).
		<p>Minute Order 1-3-13: The Court is informed that the parties have been working together to reach an agreement. The Court finds that it would be detrimental for the children to be with a parent. The Court further finds that it would be in the best interest of the children to be with the Petitioner, Dr. Lawrence Schlak. The petition is granted. The Court orders supervised visitation between father, Colin Schmock, Sr. and the children, primarily in Missouri as may be determined among the parties. Visitation to be supervised by the paternal grandmother Carol Schmock or other party deemed appropriate. Parties are ordered to work together with counsel to facilitate visitation. Dr. Lawrence Schlak agrees and is ordered to make a residence available in Missouri for visits. Supervised visits to remain in place unless and until other information requiring a change is brought to a court of competent jurisdiction. Dr. Lawrence Schlak is ordered to establish a guardianship in Missouri.</p> <p>Set on: 3/7/13 at 09:00a.m. in Dept 303 for: Review Hearing Re: Establishing Guardianship in Missouri. Petition is granted before Court Trial. Order signed.</p>	
Aff.Sub.Wit.			
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Inventory			
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Status Rpt	X		
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 3-4-13	
		Updates:	
		Recommendation:	
		File 12 - Schmock	

Atty Hopper, Cindy J (for Isaac Youngclarke – Minor – Petitioner)

Atty Campbell, Catherine (for Jean Youngclarke –Mother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 17		TEMPORARY EXPIRES 03/07/2013		NEEDS/PROBLEMS/COMMENTS:	
		<p>ISAAC YOUNGCLARKE, minor (age 17), is Petitioner and requests appointment of MARGARET CLARKE, Maternal Grandmother, as Guardian.</p>			
Cont. from		<p>Father: DAVIN YOUNGCLARKE (Deceased)</p>			
<input type="checkbox"/>	Aff.Sub.Wit.	<p>Mother: JEAN YOUNGCLARKE, personally served 1-9-13</p>			
<input checked="" type="checkbox"/>	Verified	<p>Paternal Grandfather: Wayne Young, served by mail on 01/31/2013</p>			
<input type="checkbox"/>	Inventory	<p>Paternal Grandmother: Lana Young, served by mail on 01/31/2013</p>			
<input type="checkbox"/>	PTC	<p>Maternal Grandfather: Vincent Clarke - Consent and Waiver of Notice filed 1-7-13</p>			
<input type="checkbox"/>	Not.Cred.	<p>Maternal Grandmother: Margaret Clarke - Consent and Waiver of Notice filed 1-7-13</p>			
<input checked="" type="checkbox"/>	Notice of Hrg	<p>Petitioner states his mother told him in Oct. 2012 that he needed to move out of her house. He stayed with a friend and his mother for approx. one month. His mother came unexpectedly one evening with the sheriff and was convinced that his friend was "brainwashing" him and told the officer that he punches her in the face all the time. Petitioner states he has never hit his mother. The officer told the minor to gather his things and leave with his mother. However, his mother then dropped him off with another friend and his parents (his current address).</p>			
<input checked="" type="checkbox"/>	Aff.Mail	w/	<p>Petitioner states his father passed away approx. five years ago. His mother attempts to "push my buttons" and tells him that his dad was a horrible father. Petitioner states his mother believes there is something wrong with him and has taken him to five different counselors, each of whom has told her there is nothing wrong with him; that the problem lies with her.</p>		
<input type="checkbox"/>	Aff.Pub.		<p>Petitioner states he is a senior at Sierra High and will graduate in June 2013. He has been active in sports; however, has not been allowed to participate this year. When he was living with his mother, she would punish him for no apparent reason.</p>		
<input type="checkbox"/>	Sp.Ntc.		<p>Please see additional page</p>		
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					Reviewed by: LV
					Reviewed on: 03/04/2013
				Updates:	
				Recommendation:	
				File 13 - Youngclarke	

(Continued from previous page)

Petitioner states he has been in Arizona visiting his grandparents for the Christmas break. His mother has stated that when he returns she is taking him to a therapeutic clinic in Mexico. Petitioner does not want to go to Mexico. He does not speak Spanish and is concerned about violence there. He has no passport to return to the U.S., and won't be able to come home once he turns 18. He will graduate in six months. He wants to be able to enjoy his last days at school and not have to worry about where his mom will take him next.

Therefore, Petitioner is requesting that the Court grant his grandparents guardianship so that they can make decisions regarding his care.

Court Investigator Julie Negrete's report filed 02/28/2013.

Mediation Agreement filed on 01/23/2013.

Age: 3 Cont. from 021413 <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 10%;"></td><td style="width: 80%;">Aff.Sub.Wit.</td><td style="width: 10%;"></td></tr> <tr><td style="text-align: center;">✓</td><td>Verified</td><td></td></tr> <tr><td></td><td>Inventory</td><td></td></tr> <tr><td></td><td>PTC</td><td></td></tr> <tr><td></td><td>Not.Cred.</td><td></td></tr> <tr><td style="text-align: center;">✓</td><td>Notice of Hrg</td><td></td></tr> <tr><td></td><td>Aff.Mail</td><td style="text-align: center;">x</td></tr> <tr><td></td><td>Aff.Pub.</td><td></td></tr> <tr><td></td><td>Sp.Ntc.</td><td></td></tr> <tr><td style="text-align: center;">✓</td><td>Pers.Serv.</td><td></td></tr> <tr><td></td><td>Conf. Screen</td><td></td></tr> <tr><td></td><td>Letters</td><td></td></tr> <tr><td></td><td>Duties/Supp</td><td></td></tr> <tr><td></td><td>Objections</td><td></td></tr> <tr><td></td><td>Video Receipt</td><td></td></tr> <tr><td></td><td>CI Report</td><td></td></tr> <tr><td></td><td>9202</td><td></td></tr> <tr><td></td><td>Order</td><td style="text-align: center;">x</td></tr> <tr><td></td><td>Aff. Posting</td><td></td></tr> <tr><td></td><td>Status Rpt</td><td></td></tr> <tr><td></td><td>UCCJEA</td><td></td></tr> <tr><td></td><td>Citation</td><td></td></tr> <tr><td></td><td>FTB Notice</td><td></td></tr> </table>		Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.		✓	Notice of Hrg			Aff.Mail	x		Aff.Pub.			Sp.Ntc.		✓	Pers.Serv.			Conf. Screen			Letters			Duties/Supp			Objections			Video Receipt			CI Report			9202			Order	x		Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice		JAMES CRUZ , father, is Petitioner. CHRISTINA CABRERA BARBOSA , maternal grandmother, was appointed guardian on 11/08/11 – <i>Personally served on 01/31/13.</i> Mother: CHRISTINA PADILLA Petitioner requests visitation twice per week at the convenience of the guardian.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 02/14/13</u> As of 03/04/13, nothing further has been filed. 1. Proof of service re personal service on the guardian, Christina Barbosa, does not state the address where she was served. Need amended proof of service stating address/location where Ms. Barbosa was served.
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Atty Zagher, Becky Ann (pro per Petitioner/Temporary Guardian)

Atty Wall, Rebecca Joy Marie (pro per maternal aunt/competing petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 7 months		TEMPORARY EXPIRES 3/7/13		NEEDS/PROBLEMS/COMMENTS: Competing Petition of maternal aunt, Rebecca Wall is on page 15B. 1. Need UCCJEA
		BECKY ANN ZAGHA , non-relative, is petitioner.		
		Father: LOUIS RAY PEREZ – nominates petitioner. Personally served on 2/15/13.		
Cont. from		Mother: DOROTHY GRACE MARIE MARAGLINO – personally served on 2/14/13		
	Aff.Sub.Wit.	Paternal Grandparents: Not Listed		
✓	Verified	Maternal Grandfather: Fred Wall – served on 2/13/13 Maternal Grandmother: Joyce Wall – served on 2/13/13		
	Inventory	Petitioner states: both birth parents are in jail on charges for murder in San Diego County. The child has been residing with the petitioner since birth at the request of the parents. Guardianship is needed to obtain medical and legal benefits for the child.		
	PTC	Attached to the petition is a document entitled <i>Inmate Authorization for Temporary Custody</i> from the San Diego County Sheriff's Department indicating that the petitioner, Becky Zagha, be authorized to take temporary custody of the child. Also attached to the petition is an Agency/Caregiver Placement Agreement from the Health and Human Services Agency also listing the petitioner as the caregiver for the child.		
	Not.Cred.	Declaration of Dorothy Maraglino (mother) filed on 3/1/13 urging the court to place the minor with her sister Rebecca Wall.		
✓	Notice of Hrg	Court Investigator Charlotte Bien's Report filed on 2/22/13		
✓	Aff.Mail	W/		
	Aff.Pub.			
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	Aff. Posting			
	Status Rpt			
	UCCJEA	X		
	Citation			
	FTB Notice			
				Reviewed by: KT
				Reviewed on: 3/4/13
				Updates:
				Recommendation:
				File 15A - Perez

15A

Atty Zagha, Becky Ann (pro per Temporary Guardian)

Atty Wall, Rebecca Joy Marie (pro per Petitioner/maternal aunt)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 7 months		REBECCA JOY MARIE WALL , maternal aunt, and Dorothy Grace Marie Wall, mother, are petitioners. BECKY ANN ZAGHA , non-relative, was appointed temporary guardian Ex-Parte on 1/8/2013. Temporary hearing on 1/22/2013 extended the temporary to 3/7/2013. Father: NOT LISTED (Louis Ray Perez) Paternal grandparents: Not listed (declaration of Due Diligence filed on 2/16/13 states the paternal grandparents are deceased). Maternal grandfather: Not listed (Fred Wall) served on 2/15/13 Maternal grandmother: Not listed (Joyce Wall): served on 2/15/13 Petitioners state both parents are in the custody of the San Diego jail. Jordyn's mother wishes Petitioner to care for the minor until she is able to do so. Declaration of Dorothy Maraglino (mother) filed on 3/1/13 urging the court to place the minor with her sister Rebecca Wall. Court Investigator Charlotte Bien's Report filed on 2/22/13	NEEDS/PROBLEMS/COMMENTS: 1. UCCJEA is incomplete. It does not give the minor's residence information for the since birth. 2. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice on: a. Louis Ray Perez (father)	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
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<input type="checkbox"/>	Inventory			
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<input type="checkbox"/>	FTB Notice			
		Reviewed by: KT Reviewed on: 3/4/13 Updates: Recommendation: File 15B - Perez		

Petition for Appointment of Temporary Guardian of the Person

Age: 3 years		GENERAL HEARING 4-24-13 PHYLLIS MCKENNA , Maternal Grandmother, is Petitioner. Father: ALEX QUEVEDO, SR. Mother: JOY MAKENA <i>- Declaration of Due Diligence filed 2-22-13</i> Paternal Grandfather: Not listed Paternal Grandmother: Rosa (Last name not listed) Maternal Grandfather: Not listed	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250(e) on: - Alex Quevedo, Sr. (Father) - Joy McKenna (Mother)	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg	X		
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc Reviewed on: 3-4-13 Updates: Recommendation: File 16 - Quivero	

Atty Jimenez, Irene (pro per – Petitioner/Paternal aunt?)

Atty Jimenez, Cutberto (pro per – Petitioner/Paternal uncle?)

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Vanity, 10	<u>GENERAL HEARING 04/25/13</u>		NEEDS/PROBLEMS/COMMENTS:
Natalie, 8	IRENE JIMENEZ and CUTBERTO JIMENEZ , aunt and uncle (paternal?), are Petitioners.		<p>1. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:</p> <ul style="list-style-type: none"> - Alfredo Ortega (Natalie's father) – Declaration of Due Diligence filed 03/01/13 states that Petitioners have tried contacting him at his residence, but have been unable to make contact after several attempts. Last spoke to him in December 2012. - Vanity's father (not stated) - Amber Stickles (mother) – Declaration of Due Diligence filed 03/01/13 states that the phone number they had for her is no longer working and they have been unable to make contact with her. Last contact was on 02/22/13. <p>Note: Petitioners state that the girls are currently living with their aunt, Krystal Stickles. Krystal Stickles was personally served with Notice of Hearing on 03/01/13 per proof of service filed 03/01/13.</p>
	Father (Natalie): ALFREDO ORTEGA – Declaration of Due Diligence filed 03/01/13		
	Father (Vanity): NOT LISTED		
Cont. from	Mother: AMBER STICKLES – Declaration of Due Diligence filed 03/01/13		
Aff.Sub.Wit.	Paternal grandparents (both): NOT LISTED		
✓ Verified	Maternal grandparents: NOT LISTED		
Inventory	<p>Petitioners allege that the girls currently live with their aunt, and are being neglected. They are not being fed regularly, do not have enough clothing, or clothes that fit, are not taught good hygiene and are poorly supervised. Further, Petitioners allege that the girls are threatened and physically abused by adults and teenagers who live in their home, and Natalie has runaway on at least 1 occasion. Petitioners allege that their medical needs are also being neglected.</p>		
PTC			
Not.Cred.			
✓ Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.			
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
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✓ 9202			
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			Reviewed by: JF Reviewed on: 03/04/13 Updates: Recommendation: File 17 – Ortega & Saldivar